

UNITED STATES DISTRICT COURT  
FOR DISTRICT OF MASSACHUSETTS

LORI UCCI; and  
RONALD UCCCI

Vs.

WILLIAM FORD; and  
KIMBERLY PERRY

C.A. No.:

**05 CV 10997 PBS**

**Plaintiffs hereby request a trial  
by jury.**

AMOUNT \$ 250.00  
SUMMONS ISSUED 2  
LOCAL RULE 4.1 -  
WAIVER FORM -  
BY DPTY. CLK. M.P.  
DATE 5/13/2005

**COMPLAINT**

1. Plaintiffs, Lori Ucci and Ronald Ucci were at all times relevant hereto domiciliaries of Providence County, State of Rhode Island and husband and wife.
2. Upon information and belief, Defendant William Ford, was at all times relevant hereto a resident and domiciliary of the Commonwealth of Massachusetts.
3. Upon information and belief, Defendant Kimberly Perry, was at all times relevant hereto a resident and domiciliary of the Commonwealth of Massachusetts.
4. This Honorable Court is vested with jurisdiction in this matter by virtue of diversity of citizenship under 28 U.S.C. §1332.
5. Venue is vested in this Court based on the location of the motor vehicle accident.

MAGISTRATE JUDGE JGD

**Count I – Negligence of William Ford**

6. On or about July 24, 2002, Plaintiff Lori Ucci was the operator and owner of a motor vehicle traveling on Route 95/128 in Dedham, Massachusetts.
7. On or about July 24, 2002, Defendant William Ford was the operator of a motor vehicle traveling in the same direction as Plaintiff Lori Ucci on Route 95/128 in Dedham, Massachusetts.
8. At all times relevant hereto, Plaintiff Lori Ucci was operating her motor vehicle in a safe and careful manner, and at all times relevant hereto was in the exercise of due and reasonable care for her own safety and well-being and the safety of others.

9. At all times relevant hereto, Defendant William Ford owed a duty of care to all persons using the public highways, including Plaintiff Lori Ucci, to exercise reasonable care and safety in the operation of his motor vehicle.

10. At the aforementioned time and place, Defendant William Ford breached the duty owed to Plaintiff Lori Ucci, by operating his motor vehicle in a negligent and careless manner and thereby causing it to collide with the rear of the motor vehicle Plaintiff Lori Ucci was operating.

11. As a direct and proximate result of Defendant William Ford's conduct and breach as set forth above, the Plaintiff Lori Ucci suffered severe injuries, suffered great pain of body, nerves and nervous system, was rendered disabled, has suffered a loss of earnings, has suffered a loss of enjoyment of life, has been required to undergo expensive medical treatment, has been unable to perform her usual daily activities, has become liable to pay large sums of money for her medical and hospital treatment, and was otherwise injured.

WHEREFORE, Plaintiff Lori Ucci, demands judgment against Defendant, William Ford for compensatory damages, plus interest and costs.

**Count II – Negligence of Kimberly Perry**

12. On or about July 24, 2002, Defendant Kimberly Perry was the owner of a motor vehicle operated by her agent, Defendant William Ford, with her knowledge, permission and consent.

13. At all times relevant hereto, Defendant Kimberly Perry owed a duty to the general public, including Plaintiff Lori Ucci, through her agent, Defendant William Ford, to ensure the safe operation of her motor vehicle and for said vehicle to be operated with reasonable care and safety.

14. At all times relevant hereto, Plaintiff Lori Ucci was operating her motor vehicle in a safe and careful manner, and at all times relevant hereto was in the exercise of due and reasonable care for her own safety and well-being and the safety of others.

15. At the aforementioned time and place, Defendant Kimberly Perry's agent, William Ford, breached the aforementioned duty by operating said motor vehicle in a negligent and careless manner.

16. As a direct and proximate result of Defendant Kimberly Perry's agent's conduct and breach as set forth above, the Plaintiff Lori Ucci suffered severe injuries, suffered great pain of body, nerves and nervous system, was rendered disabled, has suffered a loss of earning capacity, has suffered a loss of enjoyment of life, has been required to undergo expensive medical treatment, has been unable to perform her usual daily activities, has become liable to pay large sums of money for her medical and hospital treatment, and was otherwise injured.

WHEREFORE, Plaintiff Lori Ucci, hereby demands judgment against Defendant Kimberly Perry, for compensatory damages, plus interest, costs and such other relief as this Honorable Court deems just.

**Count III – Ronald Ucci's Claim for Loss of Consortium**

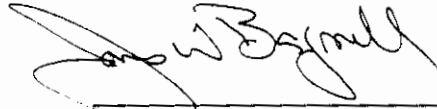
17. As a direct and proximate result of Defendant William Ford and Defendant Kimberly Perry's negligence and breach as set forth above, Plaintiff Ronald Ucci suffered a loss of consortium of Plaintiff Lori Ucci.

WHEREFORE, Plaintiff Ronald Ucci hereby demands judgment against Defendant William Ford and Defendant Kimberly Perry for compensatory damages, plus interest, costs and such other relief as this Honorable Court deems just.

**Jury Trial Demand**

Plaintiffs hereby demand a trial by jury.

Plaintiffs  
By their attorney,

A handwritten signature in black ink, appearing to read "James W. Bagnell", written over a horizontal line.

James W. Bagnell BBO 026160  
179 Webster Street  
East Boston, MA 02128-2835  
(617) 943-3129  
(617) 569-9077 (fax)

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

LORI UCCI  
RONALD UCCI

(b) County of Residence of First Listed Plaintiff PROVIDENCE, RI  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

James W. Bagnell, Esq., 179 Webster Street, East Boston, MA  
02128-2835, 617-943-3129

**DEFENDANTS**

WILLIAM FORD  
LINDA PERRY

County of Residence of First Listed Defendant BRISTOL  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys If Known

**05 CV 10997 PBS**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |   |   |                                |                                |
|---|---------------------------------------|---|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1        | DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2                | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3                | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT   | TORTS   | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES   |
|--|---|--|---|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input checked="" type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury - Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property   | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 440 Other Civil Rights  | <b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><b>Habeas Corpus:</b><br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition   | <input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  | <b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609   |

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1332

**VI. CAUSE OF ACTION**

Brief description of cause:  
Automobile Accident

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

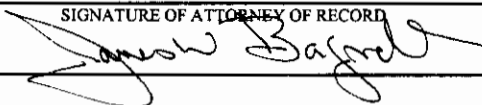
(See instructions): JUDGE

DOCKET NUMBER

DATE

05/13/2005

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only)

Lori Ucci v William Ford

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases  
740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

05-10997 PBS

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

NONE

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐NO ☒7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☐NO ☒A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☒Central Division ☐Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐Central Division ☐Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

JAMES W. BARNETT

ADDRESS

179 WEBSTER ST BOSTON MA 02128-2835

TELEPHONE NO.

(617) 567-2000 or (617) 943-3125